IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.16415 OF 2004
DATE OF DECISION: MARCH 19, 2007.

Satbir

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASBIR SINGH

HON'BLE MRS.JUSTICE NIRMAL YADAV

Present: Mr.Manmohan, Advocate for
Mr.Suman Jain, Advocate for the petitioner

Mr.I.S. Kang, AAG, Haryana

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ORDER:

Dispute herein pertains to fixing of turn of water of the petitioner and other co-sharers. The parties continued to contest this litigation before the canal authorities and the matter was, ultimately, decided by the Superintending Canal Officer, vide order dated 27.7.2004 (Annexure P-10). While disposing of a revision petition filed by respondent No.4 Rambilas, the officer concerned observed thus:-

> "On perusal of the record it is found that petitioner Ram Bilas was not a co-sharer of Manphool in this khata. Divisional Canal Officer, Adampur Water Services Division, Hisar has consolidated the wari of petitioner without any consent alongwith wari of Manphool. Earlier as per part of warabandi issued by Deputy Collector

Adampur Water Services Division, Hisar vide his decision on 30.10.2000 and separated the nakka of petitioner at Sr. No.43 after Bagrawat. Nobody can consolidate the wari without consent of shareholder. Deputy Collector had rightly fixed the sequence in his decision dated 30.10.2000 in which petitioner has been fixed at Sr.No.43 and then respondent at Sr. No.43/1. The demand of petitioner found genuine hence accepted and decision of Deputy Collector, Adampur Water Services Division, Hisar dated 6.2.2002 and Divisional Canal Officer, Adampur Water Services Division, Hisar dated 7.6.2002 are set aside. The sequence of wari be fixed as per Deputy Collector decision dated 30.10.2000."

We feel that the order passed by the Superintending Canal Officer is perfectly justified. By referring to site plan, counsel for the petitioners has failed to make out any case on the basis of which any interference can be made in the order passed.

Dismissed.

(JASBIR SINGH)
JUDGE

March 19, 2007
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(NIRMAL YADAV)
JUDGE